

(Caption of Case)

IN RE:

Petition of Office of Regulatory Staff Regarding Wyboo
Plantation Utilities, Inc.'s Collection and Charging of
Unauthorized and Unapproved Rates

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2006 - 327 - W/S

(Please type or print)

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DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

Other: Routine

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit of Publication	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigator
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certification of Mailing	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input checked="" type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input checked="" type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit "6"	<input type="checkbox"/> Report	

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November 19, 2008

VIA ELECTRONIC FILING

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: • Petition of Office of Regulatory Staff Regarding Wyboo Plantation Utilities,
 Inc.'s Collection and Charging of Unauthorized and Unapproved Rates
 • Docket No. 2006-327-W/S
 • Prefiled Direct Testimony of Mark S. Wrigley with Exhibits

Dear Mr. Terreni:

Enclosed for filing is the Direct Prefiled Testimony of Mark S. Wrigley with Exhibits on behalf of Wyboo Plantation Utilities, Inc. in the above referenced Docket. ORS' Counsel of Record is being served with this filing.

Respectfully Submitted,

/S/

Richard L. Whit

RLW/kjw

**TESTIMONY OF
MARK S. WRIGLEY
WYBOO PLANTATION UTILITIES, INC.**

**NOVEMBER 19, 2008
DOCKET NO. 2006-327 WS**

1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND**
2 **OCCUPATION.**

3
4 **A.** My name is Mark S. Wrigley, and my business address is 19 Broad
5 Street, Sumter, South Carolina 29151. I am Chief Executive Officer of Wyboo
6 Plantation Utilities, Inc. ("Wyboo").
7

8 **Q. PLEASE STATE YOUR EDUCATIONAL BACKGROUND AND**
9 **EXPERIENCE**

10
11 **A.** I am the owner and President of Wrigley & Associates, Inc. Wrigley and
12 Associates, Inc. which was formed by my father in the early seventies for the
13 purpose of helping small communities, shopping centers, and trailer parks provide
14 water and wastewater services to their customers. I began to work for Wrigley and
15 Associates in the late seventies as half-owner and Vice President, and became the
16 sole owner and President in 1995. I have 30 years experience in the water and
17 wastewater field. I have over 20 years experience in the environmental treatment
18 area and two years teaching experience in the same area. I hold Class "A" South
19 Carolina certifications for both water and wastewater system operations.
20

21 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

22
23 **A.** My testimony responds generally to the allegations raised by the South Carolina
24 Office of Regulatory Staff ("ORS") in this Docket. Specifically, my testimony
25 responds to the testimony and Exhibits of Mr. Willie Morgan filed on behalf of
26 ORS.
27

28 **Q. DID ANY OF WYBOO'S CUSTOMERS INTERVENE DURING THE**
29 **INTERVENTION PERIOD ALLOWED BY THE PUBLIC SERVICE**
30 **COMMISSION OF SOUTH CAROLINA ("PSCSC") OR FILE A**
31 **PROTEST?**

32 **A.** No.
33

TESTIMONY OF
MARK S. WRIGLEY
WYBOO PLANTATION UTILITIES, INC.

NOVEMBER 19, 2008
DOCKET NO. 2006-327 WS

1 **Q. WHAT INFERENCE DO YOU THINK COULD BE FAIRLY DRAWN**
2 **FROM THAT LACK OF INTERVENTION/PROTEST?**

3
4 **A.** I believe that, as of the date of this testimony, Wyboo's customers have (i) received
5 a refund/credit of monies owed, (ii) have filed a waiver and relinquishment of any
6 claim for the return of water tap fees paid to Wyboo or (iii) do not wish to make a
7 claim to the PSCSC for the return of the water tap fees paid, because they received
8 the water tap fee and the economic value thereof.

9
10 **Q. ISN'T IT TRUE THAT SOME CUSTOMERS HAVE NOT FILED A**
11 **WAIVER/RELINQUISHMENT OF CLAIM FORM WITH YOUR**
12 **COMPANY? IF THAT IS TRUE, HOW DOES WYBOO PLAN TO DEAL**
13 **WITH THOSE POSSIBLE CLAIMS?**

14
15 **A.** Yes. However, Wyboo filed a Motion with the PSCSC on November 7, 2008,
16 entitled "Motion for Approval of Water Tap Fee to Conform to Existing Rate, *Nunc*
17 *Pro Tunc*", to deal with those claims. The Motion, if granted, would conform the
18 previous water tap fees charged by Wyboo to the existing rates approved by the
19 PSCSC in Order Number 2007-138, issued in Docket Number 2005-13-WS, issued
20 on February 26, 2007. The water tap fee approved was: \$825 for ¾ inch
21 connection, \$965 for a 1 inch connection, and \$1,145 for a 2 inch connection. The
22 water tap fees charged by Wyboo prior to Order, were considerably less than the
23 minimum approved water tap fee of \$825.

24
25 **Q. YOU INDICATED THAT REFUNDS AND/OR CREDITS HAVE BEEN**
26 **PROVIDED TO WYBOO'S CUSTOMERS. PLEASE EXPLAIN.**

27
28 **A.** Yes. See my Exhibits "MSW-1" and "MSW-2".
29
30
31
32
33

TESTIMONY OF
MARK S. WRIGLEY
WYBOO PLANTATION UTILITIES, INC.

NOVEMBER 19, 2008
DOCKET NO. 2006-327 WS

1 **Q. HAVE ALL CUSTOMERS DEPICTED ON MR. MORGAN'S EXHIBIT**
2 **"WJM-1" BEEN ADDRESSED BY WYBOO?**
3

4 **A.** Yes. My Exhibit "MSW-1" addresses every customer, name and charge listed on
5 Mr. Morgan's Exhibit "WJM-1". The corrective action taken by Wyboo is indicated
6 in the right hand column, entitled, "Trace Refund/Credit".
7

8 **Q. PLEASE SUMMARIZE HOW WYBOO HAS ADDRESSED THE "CHARGE**
9 **CATEGORIES" LISTED ON EXHIBIT "WJM-1".**
10

11 **A.** Please see my Exhibit "MSW-2". Specifically, of the eleven charge categories listed
12 on WJM-1, nine have been reduced to \$0.00, with Water Tap Fees remaining at
13 \$26,300 and Sewer Tap Fee Total Overcharge remaining at \$750.
14

15 **Q. WHAT EXPLANATION DO YOU HAVE FOR WYBOO'S CHARGING**
16 **UNAUTHORIZED RATES/CHARGES?**
17

18 **A.** I was informed by the previous owner of Wyboo that a water tap fee had been
19 approved by the PSCSC. Other errors were made because of a lack of knowledge of
20 how the PSCSC rules and regulations operated. No one was intentionally over
21 charged.

22 **Q. DO YOU THINK THAT IT IS FAIR FOR THE ORS TO ATTEMPT TO**
23 **RECOVER ONE-HUNDRED PERCENT OF THE WATER TAP FEES**
24 **INSTALLED ON YOUR SYSTEM DURING THE TIME FRAME**
25 **INDICATED ON MR. MORGAN'S EXHIBIT "WJM-1"? PLEASE**
26 **EXPLAIN YOUR ANSWER.**
27

28 **A.** I do not think it is fair for ORS to attempt to recover one-hundred percent of the
29 water tap fees installed on Wyboo's system. Every water customer who was
30 charged a water tap fee, received the economic value and use of the water tap and
31 the "benefit of the bargain", in that the water tap fees charged prior to Order (\$300
32 or \$450) were materially less than the water tap fee approved by this Commission,
33 in 2007, of at least \$825. Also, the water taps were installed by Wyboo upon the
34 specific request of each water customer.

TESTIMONY OF
MARK S. WRIGLEY
WYBOO PLANTATION UTILITIES, INC.

NOVEMBER 19, 2008
DOCKET NO. 2006-327 WS

1 **Q. PLEASE SUMMARIZE YOUR POSITION ON ANY REQUIREMENT**
2 **THAT WYBOO REFUND ONE-HUNDRED PERCENT OF THE WATER**
3 **TAP FEES CHARGED PRIOR TO ORDER.**

4
5 **A.** Any requirement that Wyboo retroactively refund 100 percent of the water tap fees
6 charged by Wyboo, would be (i) unfair and unjust (ii) be a substantial economic
7 burden for Wyboo and would possibly bankrupt Wyboo's utility operations (iii) be
8 an inappropriate "windfall" for each water customer (iv) severely hamper the
9 utilities to provide adequate service to all of its utility customers and (v) be
10 contrary to the mission statement of the Public Service Commission of South
11 Carolina to balance the interests of the consumer and the utility. Any requirement
12 by this Commission that Wyboos retroactively refund 100 percent of the water tap
13 fees previously charged would not represent the required balance of interests.
14

15 **Q. WHAT EVIDENCE SHOULD THE PSCSC CONSIDER CONCERNING**
16 **THE REFUND OF ONE-HUNDRED PERCENT OF THE WATER TAP**
17 **FEES CHARGED PRIOR TO ORDER?**

18
19 **A.** This Commission's recent approval, in 2007, of a water tap fee for Wyboo of at
20 least \$825, as explained in more detail hereinabove, is the best evidence that the
21 water tap fees charged by Wyboo prior to Order were (i) installed at the water
22 customer's specific request and utilized by the water customer to receive water
23 service from Wyboo, (ii) fair, (iii) appropriate, (iv) materially less than the water
24 customer would otherwise have paid for a water tap fee (v) conforming with the
25 Commission's presently approved water tap fee for Wyboo and (vi) an appropriate
26 and reasonable basis upon which this Commission may approve a conforming water
27 tap fee for Wyboo, *nunc pro tunc*.
28

29 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

30 **A.** Yes it does.